

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

AMIR A. AL-DABAGH,

Plaintiff,

VS.

CASE WESTERN RESERVE
UNIVERSITY,

Defendant.

CASE NO. 1:14-CV-01046

OPINION & ORDER
[Resolving Doc. [8](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Amir Al-Dabagh is a student at Defendant Case Western Reserve University's School of Medicine.^{1/} Although he had two incidents involving the University's Committee on Students, responsible for discipline, the University told Al-Dabagh on April 10, 2014, that he was scheduled to graduate on May 18, 2014.^{2/}

However, on April 14, 2014, the University’s Committee on Students informed Al-Dabagh that the Committee would “review [his] progress in medical school and may issue sanctions” because of a conviction for driving while intoxicated in North Carolina.^{3/}

On April 18, 2014, the Committee informed Al-Dabagh that he would be dismissed from the medical school “effective immediately, for continued and serious breaches in the code of conduct and standards of professionalism.”^{24/}

On May 8, 2014, the Committee revised its ruling, allowing Al-Dabagh the chance to

¹/Doc. 2-2, Al-Dabagh Decl. at 1 ¶¶ 3-6.

^{2/}Doc. [2-7](#).

^{3/}Doc. 2-14.

^{4/}Doc. 2-15.

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withdraw from the University before May 19; if he does not withdraw by then, the University says it will dismiss him.^{5/}

Before this disciplinary process, Al-Dabagh was supposed to graduate on May 18 and begin a residency program in Columbus on June 17, 2014.^{6/}

On May 14, 2014, Al-Dabagh sued Case for breach of contract^{7/} and moved for a temporary restraining order^{8/} and a preliminary injunction.^{9/} He seeks an order from this Court enjoining the University from “denying Al-Dabagh the medical school degree and diploma he had earned,” from disclosing to anyone that Al-Dabagh had been expelled or dismissed, and from placing in his file at Case that he had been expelled or dismissed.^{10/} Al-Dabagh also moves for an emergency hearing on his motions.^{11/}

In deciding whether to grant injunctive relief under Civil Rule 65, the Court considers four factors: (1) the movant’s likelihood of success on the merits; (2) whether the movant will suffer irreparable harm without the injunction; (3) whether granting the injunction will cause substantial harm to others; and (4) the impact of the injunction on the public interest.^{12/} A court need not make specific findings on each factor, if fewer factors dispose of the issue.^{13/} An injunction is an

^{5/}Doc. [2-16](#).

^{6/}Doc. [2-2](#), Al-Dabagh Decl. at 4 ¶¶ 28-29.

^{7/}Doc. [1](#).

^{8/}Doc. [3](#).

^{9/}Doc. [2](#).

^{10/}Doc. [2](#); Doc. [3](#).

^{11/}Doc. [8](#).

^{12/}[Eden Foods, Inc. v. Sebelius](#), 733 F.3d 626, 631 (6th Cir. 2013) (citing [Ne. Ohio Coal. for Homeless v. Husted](#), 696 F.3d 580, 590-91 (6th Cir. 2012)).

^{13/}[Six Clinics Holding Corp., II v. Cafcomp Sys., Inc.](#), 119 F.3d 393, 399 (6th Cir. 1997).

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“extraordinary remedy” available only when the circumstances “clearly demand it.”^{14/}

In this case, the Court finds that two factors—whether Al-Dabagh will suffer irreparable injury and whether granting the injunction will cause substantial harm to others—dispose of the issue and support a limited temporary restraining order.

Recall, Al-Dabagh is scheduled to begin a residency program on June 17. If the University expels or dismisses Al-Dabagh on May 19, that opportunity will likely become unavailable to Al-Dabagh. If he is unable to begin a residency program, his career as a doctor will, at the very least, be delayed by a year. Therefore, the Court finds that Al-Dabagh has established a threat of irreparable harm in the absence of a temporary restraining order.

The Court also finds that a limited restraining order will not cause harm to the University. The Court schedules this matter for a hearing on May 19, 2014; restraining the University from dismissing until the hearing will not harm the University or other third-parties.

Therefore, the Court **ENJOINS** the University from 1) expelling or dismissing Al-Dabagh from the School of Medicine and 2) disclosing to anyone that Al-Dabagh has been expelled or dismissed from the University. The Court schedules this matter for a hearing on May 19, 2014, at 10:00 a.m., Courtroom 18A (Cleveland) when the Court will determine whether to continue the temporary restraining order. Al-Dabagh must post a \$200 cash bond. The Court **DENIES** the

^{14/}[*Leary v. Daeschner*, 228 F.3d 729, 739 \(6th Cir. 2000\)](#).

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emergency motion for a conference before May 17, 2014, as moot.

IT IS SO ORDERED.

Dated: May 14, 2014

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE